

The Vale of Glamorgan Council

Cabinet Meeting: 25 July, 2016

Report of the Cabinet Member for Housing, Social Care and Health

Disposal of Land Adjacent to 7 & 8 Croft John, Penmark

Purpose of the Report

1. To declare land adjacent to 7 & 8 Croft John surplus to requirements and ensure that the best consideration is received from any future disposal of the land.

Recommendations

1. That Cabinet declare the land attached as [Appendix A](#) surplus to requirements.
2. That the Head of Finance in consultation with the Director of Environment and Housing Services be authorised with the Leader and Cabinet Member for Housing and Social Care and Health to dispose of the parcels of land by the most appropriate means and on terms and conditions to be agreed.
3. That the Head of Legal Services be authorised to prepare, complete and execute the required legal documentation in order to formalise the disposal in accordance with Consent E 4.1 of the General Consents for the Disposal of Houses and Land 1994, when the land has been declared surplus to requirement.

Reasons for the Recommendations

1. The Council has no practical use for this land.
2. To comply with legislation and ensure that the Council obtains the best consideration that can reasonably be expected as more than one party has expressed an interest in acquiring the land.
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Background

2. The Council entered into a lease for five years with an adjacent occupier for the use of this land as a private garden [See [Appendix A](#) for a plan]. The annual rent was £100, which was paid up to the date the lease expired in January 2015. The terms of

the lease placed responsibility for repairing and maintaining the boundary fences on the lessee. Cabinet Minute C597, 2nd September 2009 refers.

3. At the time Cabinet granted the lease there was a moratorium on the sale of Housing land.
4. In making its decision Cabinet took account of the costs incurred by the Council in managing and maintaining the land.
5. No expectation was raised that the lease would be renewed or extended.
6. The Council has allowed the leaseholder to hold over the lease pending a cabinet decision on the disposal of the land.

Relevant Issues and Options

7. The former leaseholder has expressed a desire to renew the lease on the same terms, apart from an increase in rent. The leaseholder has also expressed a desire to buy the freehold should the Council choose to dispose of the land completely.
8. However, the Penmark Village Centre has also expressed an interest in using the land for the benefit of the village.
9. Officers have been involved in resolving past neighbour disputes relating to this land and neighbours have previously expressed an interest in its acquisition.
10. The moratorium on the sale of housing land has been lifted [Cabinet minute C3045 11th January 2016 refers] and the Council may wish to sell rather than lease the land.
11. The land is adjacent to a cesspit that services Croft John and adjacent properties. Any disposal would not include land that would restrict access to the cesspit.
12. In recent years the Council has incurred expenditure in managing the land. Prior to granting the lease the Council periodically cleared the land as it became a nuisance to the surrounding occupiers. During the lifetime of the lease the Council has dealt with boundary disputes and neighbour complaints. These matters have required extensive housing management time, including site visits, as well as significant input from the legal services team.
13. There is no vehicular access to the land, which may limit interest from potential purchasers outside the village.

Resource Implications (Financial and Employment)

14. The income from leasing the land is relatively small. In the past the council has incurred disproportionate costs in maintaining and managing the land.
15. A small capital receipt may be generated by the sale. Any receipts should be retained in the Housing Revenue Account.
16. There should be no additional expenditure on the Council's part as any party acquiring the land will be expected to meet the Council's legal and surveyor costs.

Sustainability and Climate Change Implications

17. None at this stage.

Legal Implications (to Include Human Rights Implications)

18. The Council as landowner may allow the current lessee to hold over the interest in the land pending a Cabinet decision about its future. The Council has a statutory duty pursuant to S123 of the Local Government Act 1972 to secure the best consideration that can reasonably be expected to be obtained.

Crime and Disorder Implications

19. Prior to the granting of the lease there were no crime and disorder issues on the land and there have been none since.

Equal Opportunities Implications (to include Welsh Language issues)

20. None.

Corporate/Service Objectives

21. It is anticipated that the land will be better maintained once it is sold. This will contribute to the Council's Community Strategy 2011-21 Priority Outcome 7 "...the quality of the built and natural environment is protected and enhanced."
22. Improved maintenance and use of this land in the future could also contribute to Well Being Outcome 2: An Environmentally Responsible and Prosperous Vale and specifically objective 4: Promoting sustainable development and protecting our environment.

Policy Framework and Budget

23. This is a matter for Executive decision.

Consultation (including Ward Member Consultation)

24. The parcel of land is in the Rhoose ward; the Ward Members have been consulted.

Relevant Scrutiny Committee

25. Homes and Safe Communities.

Background Papers

None.

Contact Officer

Alan Sinclair, Affordable Enabling Officer

Officers Consulted

Legal Services – Principal Lawyer [Contracts and Property]
Head of Housing and Building Services
Financial Services [Strategic Estates Manager]
Legal Services - Committee Reports

Responsible Officer:

Mile Punter - Director of Environment and Housing Services.